REMARKS

[0003] Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-9, and 11-54 are presently pending. Claims amended herein are 1, 2, 7, 11-13, 18, 25, 26, 28, 29, 31, 36, 40, 42, and 51. Claim withdrawn or cancelled herein is claim 10.

Statement of Substance of Interview

[0004] The Examiner graciously talked with me—the undersigned representative for the Applicant—on Sep 6, 2007. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005] During the interview, I discussed how the claims differed from the cited art. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006] The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed claims, if amended to elaborate the details, might distinguish over the cited art of record. However, the Examiner indicated that she/he would need to review the cited art more carefully and/or do another search, and requested that the proposed amendments be presented in writing.

[0007] Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited art of record for at least the reasons discussed during the interview.

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Formal Request for an Interview

[0008] If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant— so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009] Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0010] Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 2, 7, 11-13, 18, 25, 26, 28, 29, 31, 36, 40, 42, and 51 herein. Claim 10 is cancelled without prejudice or disclaimer.

[0011] Claim 1 is amended to recite a method of generating common intermediate language code comprising, *inter alia*, "receiving a portion of JAVA™ language source code referencing a first class…, a definition of the first class being provided in a network using a first programming language other than JAVA™ language…" Support for the amendment can be found in the original claim 10, which is herein cancelled without prejudice or disclaimer. As indicated in the Specification, the Application addresses the issue by providing methods and systems "for compiling a generic class reference into an intermediate language executable by a runtime engine. The generic class may be

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referenced in source code written in a language for which use of generic classes is not formally specified." (Specification at p.2, lines 21-24). The specification further mentions that "[f]ormal specifications for C++ and other languages set forth generic class syntaxes that specify how generic classes (or, template classes) are defined and declared; however, formal specifications for some languages, such as JAVA^{TM} language, do not specify generic classes... For example, currently, JAVA^{TM} language source code can not use a generic class that may be provided by the .NT^{TM} Framework..." (Specification at p.2, lines 8-16). Therefore, since JAVA^{TM} language can not define or declare generic classes, a second language other than JAVA^{TM} is inexplicitly employed to achieve the purported function within the .NT^{TM} Framework.

[0012] Furthermore, claim 1 is amended to recite, *inter alia*, "generating language-neutral intermediate language code representing the portion of JAVA^{TM} language source code based on the portion of JAVA^{TM} language source code and the definition of the first class provided in the first programming language other than JAVA^{TM} language..." Support for the amendment can be found throughout the Application including, for example, Fig. 3 (Code Generator 310) with the associated text. (Specification at p.27, lines 1-7).

[0013] Similarly, amendments for claims 13, 18, 25, 31, 36, 40, and 51 incorporate at least the same feature, and are supported by the Application too.

[0014] Therefore, no new matter will be added by the amendment. Entry to the file is respectfully requested.

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Formal Matters

[0015]   This section addresses any formal matters (e.g., objections) raised by the Examiner.

Provisional Double-Patenting Rejections

[0016]   Based upon co-pending application 10/657,468, the Examiner rejects claims 1, 13, and 18 on the grounds of non-statutory obviousness-type double-patenting. Applicant respectfully requests the objection be held on abeyance until the patentability of the instant claims are ascertained. Applicant, however, reserves the rights to file a terminal disclaimer to overcome the objection when necessary and appropriate.

Substantive Matters

Claim Rejections under § 101

[0017]   Claims 25-30 are rejected under 35 U.S.C. § 101. In light of the amendments presented herein and the decision/agreement reached during the above-discussed Examiner interview, Applicant respectfully submits that these claims comply with the patentability requirements of § 101 and that the § 101 rejections should be withdrawn. The Applicant further asserts that these claims are allowable. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0018]   If the Examiner maintains the rejection of these claims, then the Applicant requests additional guidance as to what is necessary to overcome the rejection.

Claim Rejections under §§ 102 and/or 103

[0019]   Claims 1-54 are rejected under 35 U.S.C. § 102 and/or § 103 as being unpatentable over U.S. Patent Application Publication No. 2995/0060695 to Hostetter et al. ("Hostetter"). In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

[0020]   Claim 1, as amended, recites as follows (Emphasis added):

1.   A method of generating common intermediate language code comprising:

receiving a portion of JAVA^{TM} language source code referencing a first class having a definition that is uniformly applicable to a plurality of classes associated with the first class, the source code identifying one of the

plurality of associated classes, *a definition of the first class being provided in a network using a first programming language other than JAVA*[TM] *language*; and

generating language-neutral intermediate language code representing the portion of JAVA[TM] language source code based on the portion of JAVA[TM] language source code and the definition of the first class provided in the first programming language other than JAVA[TM] language, *wherein the language-neutral intermediate language code is generated at least from JAVA*[TM] *language and the first programming language*.
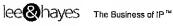
[0021]   Amended claim 1 is asserted patentable over Hostetter because Hostetter, in combination with other references in the outstanding Office Action, fail to teach or disclose a first class, the definition of which is "provided in a network using a first programming language other than JAVA[TM] language", nor do they teach or disclose "the language-neutral intermediate language code is generated at least from JAVA[TM] language and the first programming language."

[0022]   Hostetter is directed to a compiling method, wherein template-generated classes in program code are compiled through a process of lazy compilation, thus improving the compilation time during execution. According to Hostetter, with the template-generated classes, the unnecessary object code results are never invoked during the execution. Hostetter further introduced lazy compilation, which delays compilation of a referenced method until the class method is invoked by the execution of a method call instruction.

[0023]   However, all the teachings in Hostetter for compiling source code are based on JAVA[TM] language. Hostetter does not teach, in JAVA language source code, referring a first class that is defined in a programming language other than JAVA[TM] language. According, absent of a programming language other than JAVA[TM] language, Hostetter does

not practically teach that "the language-neutral intermediate language code is generated at least from JAVA^{TM} language and the first programming language" as recited in amended claim 1.

[0024]   Other references do not remedy the deficiency of what Hostetter lacks. Cited article titled "Product Snapshot: J#", authored by Janathan Lurie ("Lurie") does not fully teach the feature recited in claim 1 either.

[0025]   In the article, Lurie lists that Visual J# features "built-in interoperability between languages: J# developers can consume components written in Visual Basic .Net, Visual C#.Net, Visual C++.Net, and so on…" However, details of how built-in interoperability between different languages is achieved is not disclosed or enabled in Lurie. In particular, Lurie is completely silent in teaching "receiving a portion of JAVA^{TM} language source code referencing a first class having a definition that is uniformly applicable to a plurality of classes associated with the first class, the source code identifying one of the plurality of associated classes, a definition of the first class being provided in a network using a first programming language other than JAVA^{TM} language…" as recited in claim1. Therefore, claim 1 is asserted patentable over Hostetter and Lurie.

[0026]   Similarly, since independent claims13, 18, 25, 31, 36, 40, and 51 incorporate at least the recited feature above, it's respectfully asserted that these claims are patentably distinct from Hostetter and other cited reference too.

Dependent Claims

[0027] In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

CONCLUSION

[0028] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Dated: _10-12-2007_   By: _Ningning Xu_

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